



**CITY OF SUNNYVALE  
REPORT  
Planning Commission**

**November 10, 2003**

---

**SUBJECT:**           **2003-0642** - Application for a 6,364 square foot site located at **651 Oneida Drive** in an R-0 (Low-Density Residential) Zoning District (APN: 201-28-007);

Motion               Appeal of a decision by the Administrative Hearing Officer approving a Use Permit to allow a retractable pool cover within the front yard.

**REPORT IN BRIEF**

**Existing Site**           Single Family Residential  
**Conditions**

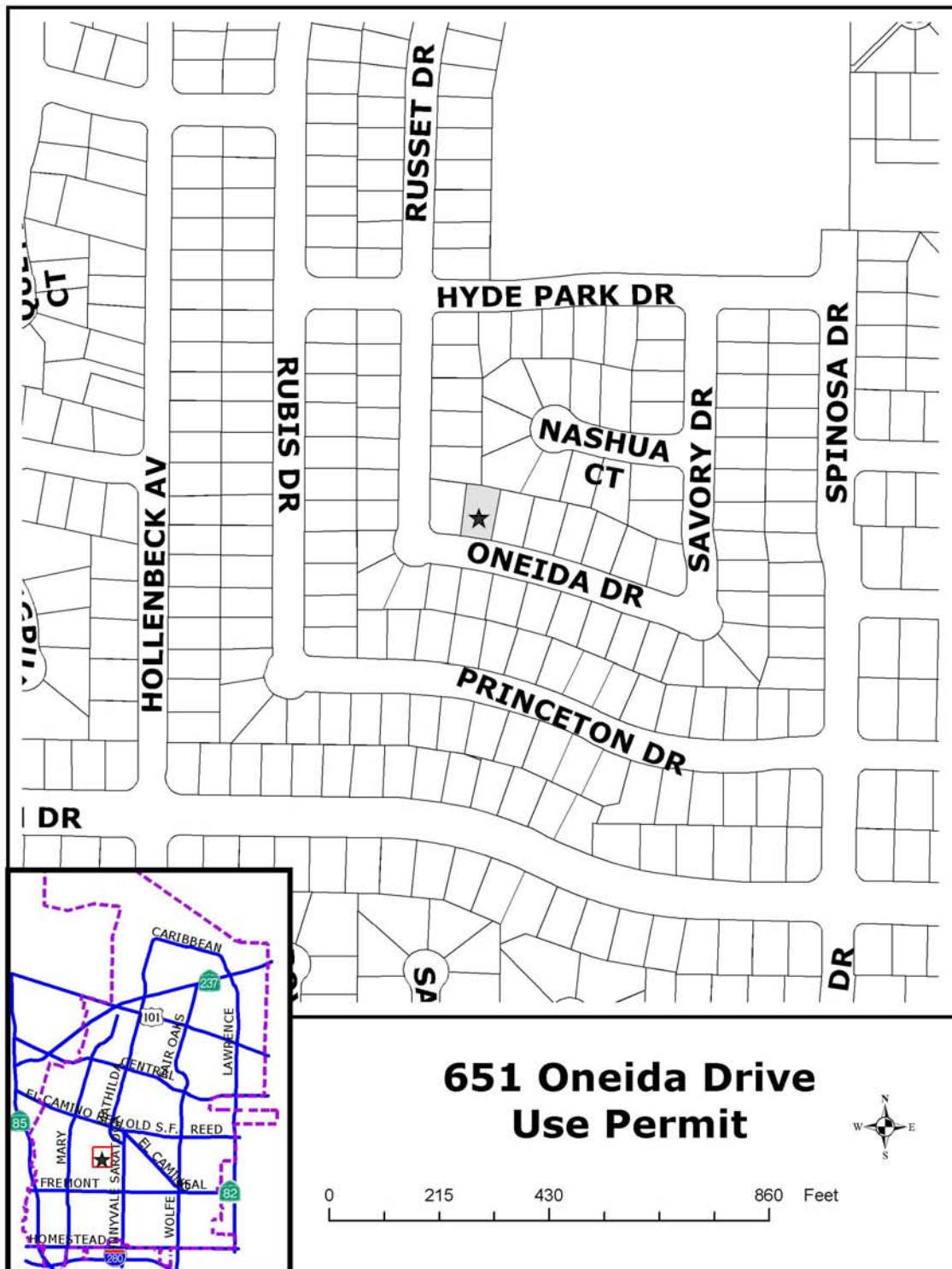
**Surrounding Land Uses**

North	Single Family Residential
South	Single Family Residential
East	Single Family Residential
West	Single Family Residential

**Issues**               Aesthetics

**Environmental**       A Class 3 Categorical Exemption relieves this project  
**Status**               from California Environmental Quality Act provisions  
and City Guidelines.

**Staff**                 Deny the appeal and uphold the Use Permit approval.  
**Recommendation**



## PROJECT DATA TABLE

	<b><u>EXISTING</u></b>	<b><u>PROPOSED</u></b>	<b><u>REQUIRED/ PERMITTED</u></b>
<b>General Plan</b>	Low Density Residential	Same	Low Density Residential
<b>Zoning District</b>	R-0	Same	R-0
<b>Lot Size (s.f.)</b>	6, 558	Same	8,000 min.
<b>Gross Floor Area (s.f.)</b>	2, 270	2, 970	No max.
<b>Retractable Pool Cover (s.f.)</b>	N/A	700	
<b>Lot Coverage (%)</b>	27%	38%	40% max.
<b>Floor Area Ratio (FAR)</b>	35%	45%	No max.
<b>Maximum Height of Retractable Canopy</b>	N/A	Approximately 9' 3"	15' max.
<b>Setbacks (facing prop.)</b>			
• <b>Front (Retractable Canopy)</b>	28' N/A	Same 20'	20' min.
• <b>Left Side (Retractable Canopy)</b>	8' N/A	Same 28'	4' min (12" combined side yard)
• <b>Right Side (Retractable Canopy)</b>	9' N/A	Same 11'	4' min (12" combined side yard)
• <b>Rear</b>	32'	32'	20' min.
<b>Parking</b>			
• <b>Total No. of Spaces</b>	4	4	4 min.
• <b>No. of Covered Spaces</b>	2	2	2 min.

**ANALYSIS****Background**

The project was reviewed at an Administrative Hearing on September 24, 2003. Two residents of nearby properties attended the hearing and expressed concerns with the proposal. These concerns included the negative visual

appearance that the canopy would present and possible noise that could be generated from the effects of wind. The Hearing officer took the item under submission to a later date to further examine the proposal and understand the concerns of nearby residents. A decision was rendered on September 16, 2003 to approve the request subject to revised conditions (See Attachment #6). The applicant has appealed the action; the appeal letter is located in Attachment #7. The letter of appeal details the applicant's concerns with the new design requirements according to the modified conditions as noted in the Addendum of Attachment #7.

**Previous Actions on the Site:** There are no previous planning permits related to the subject site.

### **Description of Proposed Project**

This application was submitted in response to a code compliance request filed with the Neighborhood Preservation Division. The proposed project is for the installation of a retractable pool cover in the front yard of a single family home. An existing tent structure is located in the front yard. This proposal would replace the existing cover with a retractable pool canopy. The applicant has indicated that the intent of the cover is to protect users of the pool from harmful ultraviolet rays of the sun. Accessory structures located in the front yard require a Use Permit.

### **Environmental Review**

A Class 3 Categorical Exemption relieves this project from California Environmental Quality Act provisions, and City Guidelines. Class 3 Categorical Exemptions include construction of small accessory (appurtenant) structures.

### **Use Permit**

**Use:** The proposed use is for a retractable pool cover located in the front yard of a single-family residence. The pool cover or canopy would be retracted when the swimming pool is not in use. Although the use of the canopy may be used on a temporary basis, the structure is considered permanent, and therefore, requires a Use Permit. The applicant has indicated that the cover would be utilized approximately a few hours of the week during the summer. Condition #7, added by the Administrative Hearing Officer, allows the pool cover to be extended for an average of 3 hours a day and shall be retracted when the pool is not in use. Additionally, Condition #3 was amended to require that the poles for the fully extended edge of the retractable pool cover shall be located no closer than 20 feet to the front property line or the setback of the garage,

whichever is closest to the property line. The applicant requests that the support poles be attached to the front yard fence as originally proposed.

**Site Layout:** The proposed retractable pool cover is located in the front yard. A front yard fence lies along the front property line. The pool is located roughly five feet behind this fence within an enclosed patio area not visible from the street. The retractable canopy will be attached to the balcony as shown in Attachment #4. The canopy would be suspended approximately nine feet above the ground and be attached to four steel support wires that are connected to the balcony. The wires would extend across the pool to four steel posts mounted on masonry pillars. These pillars project four feet above the front yard fence. When fully extended, the canopy would be set at position 20 feet from the property line. For clarification, the canopy would not extend completely to the fence line. The Administrative Hearing Officer amended Condition of Approval #3 to require that the posts be set back 20 feet from the property line.

**Architecture:** There are no significant exterior changes proposed to the home with this project. The applicant proposes a canopy cover that is composed of a white, heavy duty poly material that weighs approximately 30 pounds. See the project description in Attachment #3 for more details. In order to improve the appearance of the canopy, staff requires as Condition of Approval #4 that an alternative color be utilized for the pool cover. The applicant has indicated that the canopy would be extended only during usage of the pool area. Due to the location of the existing fence, the canopy may be partially visible from the street. When retracted, the canopy will be rolled up and attached to the balcony of the house.

The following Guidelines were considered in the analysis of the project architecture.

Design Policy or Guideline (Architecture)	Comments
<i>Sunnyvale Single Family Home Design Techniques</i>  <i>3.10 Accessory Structures</i>  <i>D. Deck covers, carports and other accessory structures added to homes should use the same materials as the existing structure. New accessory structures should appear as though designed and constructed with the original home.</i>	Although, the pool cover will not be using the same materials as the home, the design and location of the canopy should not significantly impact the visual appearance of the property from the street. Staff has included adequate conditions of approval that require changes in color and additional landscaping near the structure.

**Landscaping:** There are no proposed changes to the existing landscaping of the site. Currently, a tree is located in front of the fence near the corner of the property. Additionally, staff's requiring the applicant to plant vines near the steel post located adjacent to the fence. (Condition of Approval #6) The vines may soften the appearance of the steel posts.

**Parking/Circulation:** The proposed structure will not reduce the current parking available on site. The site meets the required parking for single family homes (2 covered, 2 uncovered).

### **Compliance with Development Standards**

The Neighborhood Preservation Division was originally notified of a tent-like structure that had been constructed in the front yard without permits (See Site Photos, Attachment #4). The proposed canopy structure would replace the existing structure and greatly improve the appearance of the site. As conditioned, the proposed project meets all applicable development standards including setbacks, lot coverage and height requirements.

### **Expected Impact on the Surroundings**

The pool cover will be partially visible from the street; however, staff feels the temporary nature of the structure will not negatively impact the overall aesthetics of the surrounding neighborhood. The action by the Administrative Hearing Officer has included conditions of approval to mitigate any negative aesthetic impacts the structure may cause.

### **Comment on Appeal**

The applicant has cited concerns with being able to implement the modified conditions as required by the action of the Administrative Hearing Officer (Attachment #7). Additionally, the applicant feels the construction of the alternative plan will result in a less aesthetically pleasing product. Although, the applicant proposes to improve the appearance of the support poles with vine-covered trellises (Page 5 of Attachment #7), staff feels this treatment does not address the concern that the overall height of the projecting pole is in character with the neighborhood. Site visits have not yielded any similar type of construction within the front yard areas of this single-family residential neighborhood. The required modification was a result of ensuring conformance to setback regulations. The applicant has argued that these poles can be considered part of the latticework of the fence. Although the canopy would only extend to the twenty foot setback, the support cables would still extend to the fence line. Staff feels these poles would, thus, be considered part

of the accessory structure, which by definition would need to meet setback requirements (20 feet).

The alternate configuration (Pages 8-11 of Attachment #7) shown in the applicant's plans does not reflect the existing fence lying on the property line. As noted in the Addendum (Page 3 of Attachment #6), it was discovered that the fence does not lie eight feet from the property line, but rather along the property line. An accurate portrayal of the modified pool cover would reflect the maximum extension of the proposed structure at approximately or slightly closer (to the property line), than the setback of the garage.

Staff has confirmed with the Building Safety Division that the construction of the pool cover is possible, as conditioned, and requires the proper Building Permits. The retractable pool cover will maintain the required setbacks and be more in character with the neighborhood. Staff does not feel the pool canopy, which would be only used during usage of the pool, will be more visually obtrusive than the applicant's original proposal.

### **Findings, General Plan Goals and Conditions of Approval**

---

Staff was able to make the required Findings based on the justifications for the Use Permit.

- Findings and General Plan Goals are located in Attachment 1.
- Conditions of Approval are located in Attachment 2.

### **Fiscal Impact**

---

No fiscal impacts other than normal fees and taxes are expected.

### **Public Contact**

---

<b>Notice of Public Hearing</b>	<b>Staff Report</b>	<b>Agenda</b>
<ul style="list-style-type: none"><li>• Published in the <i>Sun</i> newspaper</li><li>• Posted on the site</li><li>• Mailed to the adjacent property owners of the project site</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City of Sunnyvale's Website</li><li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City's official notice bulletin board</li><li>• City of Sunnyvale's Website</li><li>• Recorded for SunDial</li></ul>

The applicant has collected letters from the neighboring properties that express approval of the proposed pool cover located within the front yard of the residence. Staff has not received any written comments from neighbors that oppose the project; however, as noted in the "Background" section of this report, two neighbors attended the public hearing and expressed their concerns with the project. These comments can be referenced in the minutes taken from the Administrative Hearing in Attachment #6.

### **Alternatives**

---

1. Deny the appeal of the Miscellaneous Permit and uphold the decision of the Administrative Hearing Officer.
2. Grant the appeal of the Miscellaneous Permit with the recommended conditions of approval.
3. Grant the appeal of the Miscellaneous Permit with the modified conditions of approval.

### **Recommendation**

---

Recommend Alternative 1.

Prepared by:

---

Ryan Kuchenig  
Project Planner

Reviewed by:

---

Fred Bell  
Principal Planner



Reviewed by:

---

Trudi Ryan  
Planning Officer

Attachments:

1. Findings
2. Conditions of Approval
3. Project Description
4. Site and Architectural Plans
5. Site Photos
6. Minutes from Administrative Hearing dated 9/24/03,  
including addendum dated 9/26/03
7. Appeal letter submitted by the applicant

## **Findings - Use Permit**

---

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale.

### **Land Use and Transportation Element**

Policy N1.1 Protect the integrity of the City's neighborhoods; whether residential, industrial or commercial.

#### Action Statements

N1.1.1 Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.

The retractable canopy structure will be adequately screened from neighboring properties by a front yard fence, and existing and new landscaping. Staff has required conditions that will improve the design and limit any possible negative impacts from the new structure.

2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District because the use of the canopy will be temporary. The canopy shall only be extended and visible during usage of the pool. Additionally, the majority of the structure will not be visible due to an existing front yard fence. Landscaping located in the planter in front of the fence further shields the canopy structure.

**Conditions of Approval - Use Permit**

---

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances and Resolutions, the Permittee expressly accepts and agrees to comply with the following Conditions of Approval for this Use Permit.

- 1) The two-year expiration date of the Use Permit shall be measured from the date of the approval by the final review authority at a public hearing if the approval is not exercised.
- 2) Obtain necessary building permits prior to construction.
- 3) Consistent with front yard setback requirements for the R-0 Zoning District, the poles for the fully extended edge of the retractable pool cover shall be located no closer than 20 feet to the front property line or the setback of the garage, whichever is closest to the property line.
- 4) An alternative color shall be utilized for the retractable pool cover. The color shall be subject to review and approval by the Director of Community Development.
- 5) The steel post shall be painted tan or alternative shade of brown. An alternative color may be requested the applicant and shall be subject to review and approval by the Director of Community Development
- 6) Additional vegetation (vines) shall be planted to grow up the poles supporting the canopy.
- 7) Pool cover may be extended for an average of 3 hours a day and shall be retracted when the pool is not in use.